

**PUBLIC ACTS, 1999
Chapter No. 384**

CHAPTER NO. 384

HOUSE BILL NO. 1115

By Representatives Bittle, McAfee, Ridgeway, Ford

Substituted for: Senate Bill No. 1599

By Senator Ramsey, Elsea

AN ACT to amend Tennessee Code Annotated, Title 68, Chapter 211, Part 8, relative to solid waste management.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-211-835 is amended by deleting subsection (d)(1) in its entirety and substituting instead the following:

(d)(1) In addition to any tipping fee imposed by any local government under this section, there shall also be imposed a surcharge of seventy-five cents (\$0.75) per ton on each ton of municipal solid waste received until June 30, 2004 at all Class I solid waste disposal facilities or transfer stations that are not operated in conjunction with a convenience center or incinerators.

SECTION 2. Tennessee Code Annotated, Section 68-211-835 is further amended by deleting subsection (d)(4) in its entirety.

SECTION 3. Tennessee Code Annotated, Section 68-211-841(d)(1) is amended by deleting the date, "1996" and substituting instead the date, "2001".

SECTION 4. Tennessee Code Annotated, Section 68-211-845 is amended by deleting the language, "Department of Education" and substituting instead the language, "University of Tennessee Waste Management Research and Education Institute".

SECTION 5. Tennessee Code Annotated, Section 68-211-852 is amended by deleting it in its entirety.

SECTION 6. Tennessee Code Annotated, Section 68-211-861 is amended by deleting it in its entirety and substituting instead the following:

State waste reduction and diversion goal - Credit - Basis for goal -Sanction for failure to meet goal.

(a) The goal of the State is to reduce by twenty-five percent (25%) the amount of solid waste disposed of at Class I municipal solid waste disposal facilities and incinerators, measured on a per capita basis within Tennessee by weight, by December 31, 2003. As an alternative to calculating the waste reduction and diversion goal on a per capita basis, regions shall have the option of calculating the goal on an economic growth basis using the method prescribed by the department and approved by the Municipal Solid Waste Advisory Committee. The goal shall also apply to each municipal

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solid waste region; provided, that the goal shall not apply to individual disposal facilities or incinerators. The base year from which reductions are to be measured is 1995, unless a region can demonstrate that 1995 data is clearly in error. The method of calculating goals based on economic growth using the method prescribed by the department and approved by the Municipal Solid Waste Advisory Committee shall be promulgated as a rule in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

(b) If a region does not meet the twenty-five percent (25%) waste reduction and diversion goal, then the department will objectively assess the activities and expenditures of the region and the local governments in the region to determine whether the region's program is qualitatively equivalent to other regions that meet the goal and whether the failure is due to factors beyond the control of the region. This qualitative assessment method shall be developed by the department and approved by the Municipal Solid Waste Advisory Committee. The qualitative assessment method prescribed by the department and approved by the Municipal Solid Waste Advisory Committee shall be promulgated as a rule in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

(c) A county or region may receive credit toward the waste reduction and diversion goal established by this section for documented reductions from recycling and source reduction programs prior to 1995, but no earlier than 1985.

(d) The twenty-five percent (25%) goal pertains only to facilities which accept municipal solid waste for disposal or incineration. Measurements of waste are to be based on the amount of waste entering a disposal facility prior to combustion or landfilling. Measurements of waste disposed of shall not include materials that are recovered or collected for recycling. The department shall issue guidelines concerning, and promulgate by rule, a method for calculating source reduction and recycling.

(e) Failure of the region either to meet the twenty-five percent (25%) waste reduction and diversion goal, or to receive a favorable qualitative assessment of its activities by the department pursuant to subsection (b), may subject the offending counties and municipalities, including any solid waste authority created by such counties and municipalities, to sanctions in the same manner as a region may receive sanctions pursuant to § 68-211-816. In the event the failure of a region to meet its waste reduction and diversion goals is due to the failure of less than all of the constituent counties or municipalities of the region, the commissioner may apply sanctions only to the counties, municipalities or solid waste authorities that have caused the failure.

(f) A county or region shall have the flexibility to design its own plan and methods which take into account local conditions for attaining the waste reduction and diversion goal set by this section. This plan shall be included as a part of the county or regional plan required by § 68-211-814.

SECTION 7. Tennessee Code Annotated, Section 68-211-862 is amended by deleting it in its entirety and substituting instead the following:

Records of origin and amount of solid waste received at transfer stations, disposal facilities, and incinerators – Exclusion – Measurement of amount of solid waste received.

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(a) The owner or operator of each Class I municipal solid waste disposal facility or incinerator or transfer station required to remit a surcharge under § 68-211-835(d) shall be responsible for keeping an accurate written record of all amounts and county of origin of solid waste, measured in tons, received at the facility. This information shall be submitted to the department.

(b) Measurement in tons of solid waste received shall be accomplished by one (1) or more of the following methods:

(1) The provision of stationary or portable scales at the disposal facility or incinerator or transfer station for weighing incoming waste; or

(2) Implementation of contractual or other arrangements for the use of scales at a location other than the disposal facility, incinerator, or transfer station for weighing all waste destined for disposal at the facility.

SECTION 8. Tennessee Code Annotated, Section 68-211-821, is amended by adding the following as a new subsection (c):

(c) The commissioner is directed to develop, with the input and advice of the municipal solid waste advisory committee, comprehensive goals for the system of solid waste management programs throughout the State. These goals should address waste avoidance, waste reduction, recycling, composting, and household hazardous wastes objectives and should incorporate a strategy of education, technical assistance, and incentives for assuring compliance by all solid waste regions. This program shall be put in place for grants given out after July 1, 2000, provided there is sufficient information available on the waste reduction and diversion activities of the counties at that time.

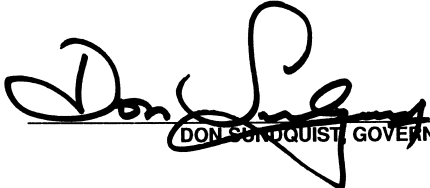
SECTION 9. This Act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 27, 1999


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 14th day of June 1999


DON SUNDQUIST, GOVERNOR